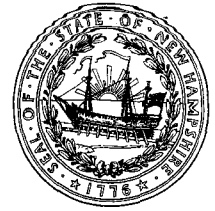




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

November 18, 2005

**REVISION TO**  
**LETTER OF DEFICIENCY #WSEB 02-25**  
Certified Mail #7099 3400 0003 0690 9366

James Hartigan  
Cedar Creek Condominium Association  
PO Box 1313  
Glen, NH 03838-1313

Subject: Conway - Public Water System: Cedar Creek (EPA# 0512200)

Dear Mr. Hartigan:

On May 28, 2002, the Department of Environmental Services (DES) issued Letter of Deficiency WSEB# 02-25 (the "LOD") to Cedar Creek water system. The LOD was issued in response to an exceedance of the Maximum Contaminant Level (MCL) for Arsenic as defined in NH Admin. Rule Env-Ws 316.01.

The LOD requested that certain actions be taken within specific timeframes for hiring a consultant, submittal of the consultant's report and bringing the water system into compliance in accordance with an implementation schedule approved by DES. Based upon a failure to meet these timeframes, DES issued a *Final Reminder – Response Past Due* letter on June 25, 2004. The Final Reminder letter established new timeframes by which to accomplish the requested actions. Again, this letter was not successful in achieving the requested actions, and another letter was sent by DES on May 16, 2005, informing Cedar Creek water system that formal enforcement action would follow if DES was not notified of the name and address of your hired consultant by June 17, 2005.

On June 20, 2005, in response to an e-mail inquiry from DES, Ann Chace stated that Cedar Creek had hired Hydrosorce, more specifically Claude Cormier, to provide a quote for Arsenic treatment. Recently, Claude Cormier informed DES that Hydrosorce was not acting as a consultant to Cedar Creek.

**The purpose of this letter is to inform you that formal enforcement action will be initiated against Cedar Creek Water System if the following actions are not complied with by the designated timeframe:**

1. **By December 18, 2005**, confirm to DES, in writing, the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Since your water system has a history of Fluoride that is close to the MCL, you may want to consider treatment that resolves both water quality issues. Guidance on options to

correct the MCL violation and the recommended contents of a consultant's report are enclosed; and

2. **By February 18, 2005**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
3. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
4. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
5. Continue to sample in accordance with your Master Sampling Schedule (copy enclosed), which includes quarterly sampling for Arsenic.

In the event compliance is not achieved within this period, DES **will initiate formal action** against the Association, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows  
or faxed to (603) 271-5171:**

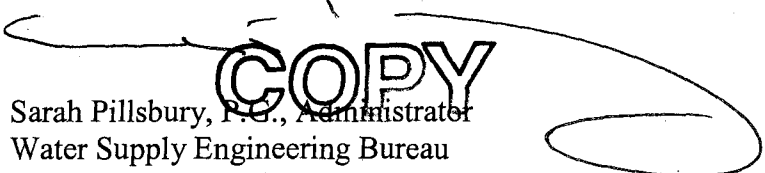
Allyson Gourley  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

**Compliance with the new 0.01 mg/L Arsenic standard must be met by January 22, 2006.**

For your information, fact sheets on Arsenic are available at: <http://www.des.state.nh.us/ws.htm>. These include general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member James Gill, P.E., may be able to answer questions concerning treatment for Arsenic and Fluoride. He may be reached at (603) 271-2949 or via email at [jgill@des.state.nh.us](mailto:jgill@des.state.nh.us). Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are Granite State Rural Water Association ((603) 753-4055) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Allyson Gourley, at (603) 271-0655 or by email at [agourley@des.state.nh.us](mailto:agourley@des.state.nh.us).

Sincerely,

  
Sarah Pillsbury, P.E., Administrator  
Water Supply Engineering Bureau

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Encl    Master Sampling Schedule  
         Report submittal information sheet

cc w/ encl(s): Ann Chace, Primary Contact  
              Thomas Mason Jr, Primary Operator

cc:        Gretchen R. Hamel, DES Legal Unit Administrator  
             Kenneth Kiesman, Conway Health Officer  
             EPA, Region 1  
             File

ec:        Jim Gill, P.E., DES  
             Dave Gordon, DES BEOH  
             Jack Shields, GSRWA  
             Robert Morancy, RCAP Solutions, Inc.